IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11375 of 1993

Between:

1 Pala Atchaiah S/o. Chennayya
R/o. Palavalasa H/o. Devada, Peddagantyada Mandal
Visakhapatnam District.
2 Maddi Apparao s/o. Late Appanna
R/o. Palavalasa H/o. Devada, Peddagantyada Mandal
Visakhapatnam District.
3 Maddi Somanaidu s/o. Late Appanna
R/o. Palavalasa H/o. Devada, Peddagantyada Mandal
Visakhapatnam District.
4 Maddi Pydithalli s/o. Appanna
R/o. Palavalasa H/o. Devada, Peddagantyada Mandal
Visakhapatnam District.
5 Maddi Pentaiah s/o. Appanna
R/o. Palavalasa H/o. Devada, Peddagantyada Mandal
Visakhapatnam District.
6 Maddi Tatarao s/o. Appanna
R/o. Palavalasa H/o. Devada, Peddagantyada Mandal
Visakhapatnam District.
7 Maddi Botaku s/o. Appanna
R/o. Palavalasa H/o. Devada, Peddagantyada Mandal
Visakhapatnam District.
8 Morugu Ammoru S/o. Late Rajanna
Palavalasa, H/o. Devada Peddagantyada mandal
Visakhapatnam district.

..... PETITIONERS.

AND

1 Special Deputy Collector (L.A) C.B.T.P.S. Kirlampudi layout
near Muncipal guest house, Visakhapatnam.
2 Revenue Divisional Officer Visakhapatnam.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction directing the respondents to pass award forthwith in respect of the lands in R.S.Nos. 498, 499, 509, and 511 of an extent of Ac. 13.00 Ac. 79.02 cts Ac. 9.59 cts and Ac. 9.46 cents which are correlated to old S.Nos. 216 part of Devada Village, Peddagantyada Mandal Visakhapatnam District and disburse the compensation and other amounts as per the land Acquisition Act.

Counsel for the Petitioner:MR.A.RAJENDRA BABU

Counsel for the Respondents: G.P. FOR LAND ACQUISITION.

The Court made the following :

ORDER:

Heard Sri A.Rajendra Babu, learned counsel appearing for the petitioners and the learned Government Pleader for the Land Acquisition appearing for the respondents.

The petitioners herein, claiming to be the owners and also in occupation of the lands in R.S.No.498, 499, 509 and 511 to an extent of Ac.13.00, Ac.79-02 cents, Ac.9.59 cents and Ac.9.46 cents respectively situated at Devada Village, Peddagantyada Mandal, Visakhapatnam which correspond to old Survey number 212 part of Devada Village, filed this writ petition seeking for payment of

compensation on the basis of the market value in pursuance of proceedings under Section 12 of the Land Acquisition Act (for short 'the Act').

The case of the petitioners is that Devada Village is an Inam village and the petitioners had been in possession of the lands mentioned above. However, the respondents herein have initiated proceedings under the Act to acquire the said lands for the purpose of establishment of Coast Based Thermal Power Station, and accordingly notification was made under Section 4(1) of the Act on 31.03.1991 and enquiry under Section 5(A) of the Act was conducted on 04.11.1991 which was followed by a declaration under Section 6 of the Act on 13.12.1991 and subsequently award enquiry was sought to be held. However, only on the ground of enquiry was pending, no Award was being passed. Hence, the writ petition.

In the counter affidavit filed on behalf of the first respondent, it is stated that having regard to the pendency of the proceedings especially at the appellate stage before the Commissioner of Survey and Settlement of Land Records, no award would be passed. It was further stated that in the order dated 28.07.1993 this Court directed to pass an Award within two years from the date of application of draft declaration and also keep compensation in deposit till the above Revision Petition is disposed of. The said counter affidavit was sworn to, on 24.02.1994.

Having heard the counsel on either side and on perusal of the material, the question which falls for consideration is as to whether the petitioners are entitled for compensation by way of Award under the provisions of the Act in respect of the lands claimed by the petitioners ?

There is no dispute to the fact that the respondents have initiated the proceedings under the provisions of the Act. There is also no dispute to the fact that the said village is an Inam village and in respect of the same land, an enquiry was held at the relevant point of time. However, it is stated during the course of arguments that in similar circumstances in respect of the very same acquisition, this Court had already passed orders in W.P.No.9546 of 1993, dated 28.07.1993 for making an Award. Having regard to the same, it is not necessary to go into the merits of the case. It would suffice in the interest of justice to make the award in respect of the land claimed by the petitioners and if not already made after making necessary deposit in respect of the amount as arrived at, the matter can as well be referred under

Sections18 and 30 of the Act for necessary reliefs. The entire exercise shall be concluded within a period of three months from today.

The writ petition is, accordingly, disposed of. No costs.

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B. PRAKASH RAO, J

10th February 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 Special Deputy Collector (L.A) C.B.T.P.S. Kirlampudi layout
near Muncipal guest house, Visakhapatnam.
2 Revenue Divisional Officer Visakhapatnam.

3 Two C.Cs. to the G.P. for Land Acquisition, High Court Buildings, Hyderabad (OUT).

4 Two C.D. copies.